

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

GERARDO VALDEZ LUJAN, individually and on behalf of all other persons similarly situated who were employed by CABANA MANAGEMENT, INC. and/or GLENN FRECHTER; and/or any other entities affiliated with or controlled by CABANA MANAGEMENT, INC. and/or GLENN FRECHTER,

Plaintiffs,

- against -

CABANA MANAGEMENT, INC and/or GLENN FRECHTER, and/or any other entities affiliated with or controlled by CABANA MANAGEMENT, INC. and/or GLENN FRECHTER,

Defendants.

10 cv 755 (ILG) (RLM)

**DECLARATION OF
LLOYD AMBINDER**

LLOYD R. AMBINDER, an attorney admitted to practice law in the State of New York and before the United States District Court for the Eastern District of New York, hereby affirms under the penalties of perjury that:

1. I am a member of the firm of Virginia & Ambinder, LLP, attorneys for the Plaintiffs and putative class in this action. I submit this declaration in opposition to Defendants application to strike Plaintiffs' declarations submitted in support of their Motion for Class Certification.

2. A true and accurate copy of the interrogatory and document responses from Plaintiffs Lujan, Bovender, Reyes, Patchen, Velez, Davila, Romero, and Moran are attached hereto as Exhibits A through G.

3. A true and accurate copy of Plaintiffs' Amended Rule 26 Disclosures, served on Defendants via email on June 28, 2011, is attached hereto as Exhibit H.

4. A true and accurate copy of the June 2, 2011 email correspondence to Defendants, setting forth deposition dates of Plaintiff and Opt-in Plaintiffs during the dates requested by

Defendants, is attached hereto as Exhibit I.

5. A true and accurate copy of Defendants' Notice of Deposition of Ana Carolina Davila, dated May 9, 2011, is attached hereto as Exhibit J.

6. A true and accurate copy of the June 16, 2011 email correspondence to Defendants is attached hereto as Exhibit K.

WHEREFORE, for the reasons set forth above and those set forth in the accompanying Memorandum, your Declarant and Plaintiffs respectfully request that this Court issue an order denying Defendants' application to strike Plaintiffs' declarations submitted in support of their Motion for Class Certification, along with such other relief as this Court deems proper.

Dated: New York, New York
August 15, 2011

_____/s/_____
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